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15 Attorneys for Third-Party Plaintiffs AMERICAN
16 CASUALTY COMPANY OF READING, PA and
17 NATIONAL UNION FIRE INSURANCE
18 COMPANY OF PITTSBURGH, PA

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA for the Use and
22 Benefit of WEBCOR CONSTRUCTION, INC. dba
23 WEBCOR BUILDERS, and WEBCOR
24 CONSTRUCTION, INC. dba WEBCOR
25 BUILDERS,

26 Plaintiffs,

27 vs.

28 DICK/MORGANTI, a joint venture, DICK
CORPORATION, THE MORGANTI GROUP,
AMERICAN CASUALTY COMPANY OF
READING, PA, NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,
and DOES 1 through 10, inclusive,

Defendants.

AND RELATED COUNTER-CLAIMS AND
THIRD PARTY CLAIMS.

Case No.: 3:07-CV-02564-CRB

**JOINT REQUEST AND
STIPULATION OF DISMISSAL OF
THIRD PARTY DEFENDANT
ROSENDIN ELECTRIC, INC.;
[PROPOSED] ORDER**

Before: Hon. Charles R. Breyer

Pursuant to FRCP 41(a)(2) and (c), Third Party Defendant ROSENDIN ELECTRIC, INC. ("Rosendin") and Third Party Plaintiffs AMERICAN CASUALTY COMPANY OF READING, PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA (together, "Sureties") stipulate and agree that the Sureties' Third Party Complaint, as against Rosendin only, be dismissed with prejudice, parties to bear their own fees and costs. This Stipulation is made as part of an agreement under which certain claims of Rosendin are being passed through to the United States government, and will be prosecuted as part of a separate proceeding. Rosendin and Sureties respectfully request that the Court enter an order pursuant to this stipulation.

Dated: February 26, 2010

SMITH & BROCKHAGE, LLP

/s/

By

Steven F. Brockhage
Attorneys for Third-Party Defendant
ROSENDIN ELECTRIC, INC.

Dated: February 26, 2010

SEDWICK DETERT MORAN & ARNOLD LLP

/s/

By

Gregg N. Dulik
Attorneys for Third-Party Plaintiffs AMERICAN
CASUALTY COMPANY OF READING, PA and
NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH, PA

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Third Party Complaint of AMERICAN CASUALTY COMPANY OF READING, PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA as against Third Party Defendant ROSENDIN ELECTRIC, INC. only, is hereby dismissed with prejudice, parties to bear their own fees and costs.

Dated: March 9, 2010

